

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1629 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MANAGER

Versus

D S SOLAPURKAR

Appearance:

1. Special Civil Application No. 1629 of 1992
MR ASHISH P. BHATT ASST GOVT PLEADER for Petitioner No. 1
RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 13/08/2004

ORAL JUDGEMENT

Mr.A.P.Bhatt, learned AGP submits that paper of
the present case has not been handed over to him by the
Office of the Government Pleader and as such, no

instructions with regard to the matter at present with him. However, considering the fact that the matter is twelve years old of the year 1992, only challenging the interim order passed by the Labour Court, Baroda, this Court is inclined to proceed with the matter.

From the facts and circumstances emerge from the record of the case, it transpires that the respondent workman has filed Recovery Application claiming amount of bonus for the year 1984-85. That in the said matter, the petitioner submitted application Exh.44 with prayer before the labour court concerned to stay proceedings of the recovery application on the ground that similar relief has been prayed for in Special Civil Application No.5891 of 1987 filed before this Court by the Gujarat State Press Employees and as such, the claim made in the very petition as well as in the recovery application are same and therefore, unless and until the decision is taken in said writ petition, proceedings of recovery application required to be stayed. However, said application was opposed by the respondent and ultimately, the labour court has rejected the said application preferred by the petitioner at Exh.44 by order dated 26th September, 1991. It is pertinent to note that the claim of bonus made for the respondent for the period of 1984-85 of 15 days salary comes to Rs.628/- only and said amount was claimed for by way of recovery application by the respondent before the labour court.

However, it requires to note that the writ petition being Special Civil Application No.5891 of 1987 is disposed of by this Court [Coram : D.H.Waghela, J.] on the ground that according to the latest further affidavit-in-reply of the Joint Director, Government Printing and Stationery, the grievance of the petitioner is settled by G.R. dated 17th March, 1990, wherein the allowance is decided to be given with effect from 1.6.1987 and in above view of the matter, that petition is ordered to be rendered as infructuous.

Furthermore, considering the interim order passed by the labour court, Baroda rejecting the application of the petitioner not to stay the recovery proceedings on account of pendency of Special Civil Application No.5891 of 1987, in my opinion, the labour court has given sufficient reason in support of its conclusion, and for that, no error has been committed which requires any interference by this Court while exercising the powers under Article 227 of the Constitution of India. Even otherwise, considering the order under challenge being interlocutory order, the petition against such order

cannot be maintained and taking into account the fact that Special Civil Application No.5891 of 1987 has already been disposed of by this Court vide order dated 25.1.2002, present petition requires to be rejected and it is rejected accordingly.

Rule is discharged. Interim relief, if any, stands vacated. No order as to costs.

Date : 13.8.2004 [H.K.Rathod, J.]

#kailash, ps#